

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.

Date of Deposit:	4/30/04	Name of Person Making the Deposit:	Kerry Erin Kelly	Signature of the Person Making the Deposit:	<i>Kerry Erin Kelly</i>
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In re Application of: **DEPAOLANTONIO**Serial No.: **09/863,233**Examiner: **CHAN, A.**Filed: **05/21/2001**Art Unit: **2633**Confirmation No. **9945**For: **CARRIER CLASS DWDM OPTICAL NETWORK AUDIT TOOL**

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

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MAY 11 2004

AMENDMENT TRANSMITTAL

Technology Center 2600

1. Transmitted herewith is an amendment for this application

☒ Transmitted herewith is a response to an office action for the above identified patent application.(16 Sheets)☐ Transmitted herewith is ☐ Replacement Sheet☐ Transmitted herewith is ☐☐ Other:

2. Applicant is other than a small entity

Extension of Term

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

<u>Extension</u>	<u>Fee</u>
<input type="checkbox"/> one month	\$ 110.00
<input type="checkbox"/> two months	\$ 420.00
<input type="checkbox"/> three months	\$ 950.00
<input type="checkbox"/> four months	\$1,480.00

Fee \$

If an additional extension of time is required, please consider this a petition therefor.

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Fee Calculation

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(for other than a small entity)					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	43	- 24 =	19	x \$18.00	\$342.00
Independent Claims	5	- 3 =	2	x \$86.00	\$172.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$260.00	
Total Fees					\$514.00

PAYMENT OF FEES

5. The full fee due in connection with this communication is provided as follows:
- ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.
A duplicate copy of this authorization is enclosed.
- ☐ A check in the amount of \$ 00.00
- ☒ Charge any fees required (\$514.00) or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060
Customer No: 000041066

Respectfully submitted,

Date: April 30, 2004

By: Reginald A. Ratliff
Reginald A. Ratliff
Reg. No. 48,098



CSO-103080

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Snu 5-22-04
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Depaolantonio)
Serial No.: 09/863,233)
Filing Date: May 21, 2001)
For: CARRIER CLASS DWDM)
OPTICAL NETWORKAUDIT)
TOOL)

Examiner: Chan, A.
Art Unit: 2633

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AMENDMENT AND RESPONSE TO OFFICE ACTION

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed January 30, 2004, the Applicant respectfully requests reconsideration of the above referenced patent application. Please consider the following amendments and remarks for allowance of the above identified patent application.

05/06/2004 CCHAU1 00000020 230085 09863233
01 FC:1202 342.00 DA
02 FC:1201 172.00 DA